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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

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11 UNITED STATES OF AMERICA, No. CR S-02-0433-FCD-CMK
12 CIV S-04-2582-FCD-CMK
13 Respondent,

14 vs. ORDER
15 Movant.

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17 Movant, a federal prisoner proceeding pro se, brings this motion to correct or set
18 aside a criminal judgment pursuant to 28 U.S.C. § 2255. The matter was referred to a United
19 States Magistrate Judge pursuant to Local Rule 72-302(c)(21).

20 On December 7, 2005, the magistrate judge filed findings and recommendations
21 herein which were served on movant and which contained notice to movant that any objections to
22 the findings and recommendations were to be filed within ten days. Movant has not filed
23 objections to the findings and recommendations.

24 The court has reviewed the file and finds the findings and recommendations to be
25 supported by the record and by the magistrate judge's analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed December 7, 2005, are adopted in
3 full;

4 2. Respondent's motion to dismiss is granted;

5 3. Movant's motion pursuant to 28 U.S.C. § 2255 is dismissed; and

6 4. The Clerk of the Court is directed to enter judgment and close companion
7 civil case no. CIV S-04-2582-FCD-CMK.

8 DATED:January 19, 2006

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10 /s/ Frank C. Damrell Jr.
11 FRANK C. DAMRELL JR.
United States District Judge